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| TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834 | | | REAGAN, JAMES A | |
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DATE MAILED: 12/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/823,697

Applicant(s)

DIVELEY, KEITH W.

Examiner

James A. Reagan

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-67 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-67 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

1. This action is in response to the amendment filed on 22 September 2004.
2. Claims 1, 3-9, 11-15, 17, 19-21, 23, 26, 28, 29, 31-35 have been amended.
3. Claims 36-67 have been added.
4. Claims 1-67 have been examined.
5. The rejections of claims 1-35 have been updated.

Previous Claim Rejections - 35 USC § 101

6. Claims 1-35 were rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The Examiner thanks the Applicant for correcting this deficiency in the claim language and hereby withdraws the rejections under 35 U.S.C. 101.

Previous Claim Objections

7. Claim 28 was objected to because of a spelling error. The Examiner thanks the Applicant for correcting this deficiency in the claim language and hereby withdraws the objection.

Previous Claim Rejections - 35 USC § 112

8. Claim 12 was rejected under 35 U.S.C. 112. The Examiner thanks the Applicant for correcting this deficiency in the claim language and hereby withdraws the rejections under 35 U.S.C. 112.

RESPONSE TO ARGUMENTS

9. Applicant's arguments received on have been fully considered but they are not persuasive. Referring to the previous Office action, Examiner has cited relevant portions of the references as a means to illustrate the systems as taught by the prior art. As a means of providing further clarification as to what is taught by the references used in the first Office action, Examiner has expanded the teachings for comprehensibility while maintaining the same grounds of rejection of the claims, except as noted above in the section labeled "Status of Claims." This information is intended to assist in illuminating the teachings of the references while providing evidence that establishes further support for the rejections of the claims.

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 1-3, 5, 8, 9, 12, 14, 17, 24, 31, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hensley (US 2002/0087337 A1) in view of Applicant's own admission, and further in view of Gilmore et al., (US 4,795,892 A).

Examiner's note: Examiner has pointed out particular references contained in the prior art of record in the body of this action for the convenience of the Applicant. Although the specified

citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the *entire* reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Claim 1:

Hensley discloses an anonymous payment system (see at least paragraph 0011), thereby disclosing:

- *assigning a unique identifier to the customer;*
- *using a computer to establish the payment account with the payment service provider for the customer, wherein the computer is capable of communicating with a storage medium;*
- *storing the payment account in the storage medium,*

Although Hensley does disclose a payment system, essentially disclosing the remainder of the limitations, Hensley does not specifically disclose:

- *the payment service provider receiving a payment from the customer;*
- *the payment service provider receiving payment instructions from the customer;*
- *crediting the payment account in an amount corresponding to the payment*
- *transferring the funds from the payment account to the client pursuant to the payment instructions.*

However, the Applicant, in the background of the specification, does teach that credit accounts are used to purchase goods and services (see at least page 1, lines 8-13). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the anonymous payment system of Hensley with the Applicant's recitations of long-standing and

familiar payment systems and their techniques because it presents an efficient and user-friendly method of securely paying debts.

Hensley/Applicant does not specifically disclose *a payment service provider contracting with a client to provide payment accounts to the client's customers, wherein a customer of the client pays funds into the payment account and uses the funds to purchase goods or services from the client*. However, Gilmore discloses a prepayment system for a consumer account. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the anonymous payment system of Hensley/Applicants with the prepaid account of Gilmore, because this ensures that payment is received promptly after rendering the service.

Claim 2:

With regard to the limitation of *maintaining the anonymity of the customer*, see at least Hensley paragraph 0011.

Claim 3:

Hensley discloses the anonymous payment system as shown in the rejections above. Hensley does not specifically *disclose utilizing a single, exclusive identifier for the customer and associating the exclusive identifier with the payment account*. Applicant, however, on at least page 5, lines 15-16, does disclose that unique ID numbers are a conventional method of providing identification and authentication for a user's account. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the anonymous payment system of Hensley with the Applicants' recitations of long-standing and familiar user ID numbers because it presents a well-organized and comprehensible method for maintaining security and anonymity for a unique and confidential account.

Claim 5:

With regard to the limitation of *establishing an additional payment account for the customer and associating the additional payment account with an additional client*, Hensley in at least paragraph 0011, discloses a plurality of customers and a plurality of service providers, essentially disclosing multiple accounts for a single customer. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Hensley to provide multiple accounts from a single customer to a single service provider, such as a personal and business credit account, because this maintains the relationship between the customer and the service provider while increasing profits for the service provider and efficiency for the customer.

Claim 8:

The combination of Hensley/Applicant/Gilmore discloses the anonymous payment system as shown in the rejections above. Hensley/Applicant/Gilmore do not specifically disclose *said payment service provider reporting to the client activity associated with customers of said client*. However, the Examiner takes **Official Notice** that it is old and well known in the credit transaction arts to supply the credit card holder with a monthly statement of account activity, which provides a competent and protected method of ensuring that a user's account is not being abused.

Claim 9:

With regard to the limitations of:

- *said client maintaining a customer database including identifiers for the customers of same the client;*
- *providing information from said customer database to said payment service provider; and*

- *offering said payment services to said customers identified within said customer database.*

See at least Hensley, abstract, and related text.

Claim 12:

Hensley discloses the anonymous payment system as shown in the rejections above, as well as a customer database and network interconnectivity. Hensley does not specifically disclose *formatting a client's customer database of the client for use by the payment service provider*. However, the Examiner takes **Official Notice** that it is old and well known in the database and computer networking arts to provide an interface between selected servers, computer terminals, and other databases because it allows for the timely and efficient transfer of data and processing of transactions.

Claim 14:

Hensley, as shown above, discloses an anonymous payment system. Applicant, in the background of the specification, teaches that credit accounts are used to purchase goods and services. Although the combination of Hensley/Applicant does not specifically disclose the common and widely recognized features of a credit card and credit accounts, the Examiner takes **Official Notice** that it is old and well known in the credit card arts to:

- *the client designating products for the payment service;*
- *the client designating payment denominations for each of the designated products;*
- *establishing payment service provider fees;*
- *inputting pricing bands based on the number of the customers of the client for the products;*
- *inputting principle ranges for the products;*

- *inputting associated fees for the products; and*
- *inputting a variable fee schedule for the payment service provider.*

Claim 17:

With regard to the limitation of *setting criteria for customer eligibility for said payment accounts*, Hensley discloses a customer's rate plan for a cellular telephone, indicating a requirement for the payment service (see at least paragraphs 0019 and 0021). Hensley does not specifically disclose *excluding ineligible customers from a database of eligible customers for said payment accounts*. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to preclude a customer from the database and subsequently from the payment services if the customer does not meet certain requirements, such as, for example, not having an account that requires regular servicing.

Claim 24:

With regard to the limitations of *the customer interfaces with the payment service provider by one of a method from among the group consisting of*

- ~~a) telephone with voice recognition;~~
- b) *Internet global computer network;*
- c) *mail;*
- d) *in person;*
- e) *e-mail; and*
- f) *point-of-sale (POS) terminal with card reader,*

See Hensley, at least paragraph 0006.

Claims 31 and 32:

The combination of Hensley/Applicant/Gilmore discloses the anonymous payment system as shown in the rejections above. Since Hensley discloses multiple service providers (see at least paragraph 0011), multiple payment options are inherent. In addition, Applicant, in the background of the specification, teaches that credit accounts are used to purchase goods and services (see at least page 1, lines 8-13). Therefore the following limitations are disclosed as inherent and obvious during the payment system transaction:

- *the payment service provider receiving said unique identifier from the customer;*
- *displaying payment options to the customer;*
- *the customer selecting a payment method;*
- *verifying the payment method; and*
- *making the payment according to the selected payment method.*
- *the client identifying products to the payment service provider,*
- *displaying the products to the customer;*
- *the customer selecting one or more of the products to pay on;*
- *the customer selecting one or more amounts to pay on the selected products;*
and
- *making said selected payments on said selected products.*

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the anonymous payment system of Hensley with the Applicants recitations of long-standing and familiar payment systems and techniques because it presents an efficient and user-friendly method of securely paying debts.

12. Claims 4, 6, 7, 10, 11, 13, and 23, 34, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hensley/Applicant/Gilmore in view of Ganesan (US 2002/0087469 A1).

Claim 4:

The combination of Hensley/Applicant/Gilmore discloses the anonymous payment system as shown in the rejections above. Hensley/Applicant/Gilmore do not specifically disclose *using the computer to electronically credit the payment account with the payment and to electronically transfer the funds from the payment account to the client substantially immediately*. Ganesan, however, in at least paragraphs 0027 and 0028, discloses protecting personal information during an online payment transaction, as well as discloses the payment in real time (see at least paragraph 0056). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the anonymous payment system of Hensley/Applicant/Gilmore with the real-time payment system of Ganesan because it affords a fast and efficient method of paying debts.

Claims 6, 7, and 23:

Hensley discloses the anonymous payment system as shown in the rejections above.

Hensley does not specifically disclose:

- *identifying said payment account solely by the unique identifier*
- *said unique identifier comprises a telephone number associated with the customer.*
- *said unique identifier comprises the customer's driver's license number.*

Ganesan, however, in at least paragraph 0044, discloses an identification number consisting of a telephone number or a driver's license number. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the anonymous payment

system of Hensley/Applicants with the use of processing agents as shown by Ganesan because it provides an efficient and secure method of quickly identifying a user's account.

Claims 10 and 11:

The combination of Hensley/Applicant/Gilmore discloses the anonymous payment system as shown in the rejections above. Hensley/Applicant/Gilmore do not specifically disclose:

- *said payment service provider maintaining an agent network,*
- *said customers communicating with said payment service provider through said agent network; and*
- *enrolling the customers with said payment service provider through said agent network.*

Ganesan, however, in at least paragraphs 0107 and 0108, discloses a user registering with an online processing agent. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the anonymous payment system of Hensley/Applicant/Gilmore with the use of processing agents as shown by Ganesan because it affords a fast and efficient method of completing transactions and other associated administrative activities.

The combination of Hensley/Applicant/Gilmore/Ganesan does not disclose *said payment service provider paying a fee to an agent in the agent network for each of the customers enrolled by the agent*. However, Examiner takes **Official Notice** that it is old and well known in the transaction arts to pay a commission to agents who handle processing steps for customer and service providers. Using and paying an agent to match customers and service providers relieve the administrative burdens from both parties.

Claim 13:

The combination of Hensley/Applicant/Gilmore discloses the anonymous payment system as shown in the rejections above. Hensley/Applicant/Gilmore do not specifically disclose *establishing with said payment service provider an account group comprising the customers of the client*. Ganesan, however, discloses communities of members, essentially disclosing a grouping of selected members (see at least paragraph (0110)). It would have been obvious to one of ordinary skill in the art at the time of the invention to group selected customers together according to a predetermined metric based upon the nature and desired outcome of the grouping, thereby making it a design choice inherent to database functionality.

With regard to the limitations of *activating individual accounts upon enrollment of the customers*, Ganesan discloses registration and enrollment of members, essentially disclosing activation of the member account (see at least paragraph 0110). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the anonymous payment system of Hensley/Applicant/Gilmore with Ganesan's use of enrollment because it provides a method for collecting relevant customer data as well as controlling the access to the services provided.

Claims 34 and 35:

The combination of Hensley/Applicant/Gilmore discloses the limitations as shown in the rejections of claims 1 and 2 above. Hensley/Applicant/Gilmore do not specifically disclose *electronically crediting the account with said payment substantially immediately and identifying the account solely by the customer identifier*. Ganesan, however, in at least paragraphs 0027, 0028, and 0044, discloses protecting personal information during an online payment transaction, an identification number consisting of a telephone number or a driver's license number, and payment in real time (see at least paragraph 0056). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the anonymous payment system of

Hensley/Applicant/Gilmore with the real-time payment system of Ganesan because it affords a fast and efficient method of paying debts.

13. Claims 15, 16, 18, and 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hensley/Applicant/Gilmore in view of Kolls (US 6,601,038 B1).

Claims 15 and 16:

The combination of Hensley/Applicant/Gilmore discloses the anonymous payment system as shown in the rejections above. Hensley/Applicant/Gilmore do not specifically disclose:

- *printing a receipt for the customer upon receipt of payment from the customer;*
- *printing the unique identifier on the receipt;*
- *designating a service availability value on the receipt; and*
- *printing on the receipt a commercial message from the client to the customer.*
- *printing coupons for use by said customer.*

However, Kolls, in at least column 16, lines 46-57 discloses printing receipts, advertisements, and coupons, naturally disclosing the capability to print any kind and type of relevant data onto a printed medium. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the anonymous payment system of Hensley/Applicant/Gilmore with Kolls printing system because this would provide the customer with a valid record of the transaction as well as an incentive to purchase more services.

Claims 18 and 19:

The combination of Hensley/Applicant/Gilmore discloses the anonymous payment system as shown in the rejections above. Hensley/Applicant/Gilmore do not specifically disclose:

- *communicating to said customer promotional information from said client.*

- *communicating to said customer commercial messages from third parties wherein said third parties do not compete with the client.*

However, Kolls, in at least column 16, lines 46-57 discloses printing receipts, advertisements, and coupons, essentially disclosing the capability to print any kind and type of relevant data onto a printed medium. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the anonymous payment system of Hensley/Applicant/Gilmore with Kolls printing system because this would provide the customer with an incentive to purchase services for non-competitive sources while increasing customer loyalty.

Claims 20-22:

The combination of Hensley/Applicant/Gilmore discloses the anonymous payment system as shown in the rejections above. Hensley/Applicant/Gilmore do not specifically disclose:

- *activating a card for said customer;*
- *storing the unique identifier on the card.*
- *said card comprises one of the group comprising: a credit card; a debit card; and a prepaid card.*

However, Kolls, in at least the abstract and associated text, discloses credit cards, debit cards, and pre-paid cards, essentially disclosing the issuance of such cards. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the anonymous payment system of Hensley/Applicant/Gilmore with Kolls use of credit cards because this would provide the customer with an efficient and convenient universal purchasing tool. With regard to the limitation of *concealing the identifier on the card*, the Examiner takes **Official Notice** that it is old and well known in the credit cards arts to provide anonymous cards to the conceal the identity of the user as well as the value of the cards, protecting against fraudulent use.

14. Claims 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hensley/Applicant/Gilmore in view of Fredregill et al. (US 5,923,016 A).

Claim 25:

The combination of Hensley/Applicant/Gilmore discloses the anonymous payment system as shown in the rejections above. Hensley/Applicant/Gilmore do not specifically disclose:

- *the payment service provider tabulating advertising and coupon impressions for the client;*
- *the payment service provider tabulating coupon redemptions for the client;*
- *the client paying the payment service provider for impressions;*
- *the client paying the payment service provider for redemptions;*
- *collecting customer data from coupon redemptions; and*
- *reporting coupon redemption customer data to the client.*

However, Fredregill discloses the common and widely-used method of issuing coupons (see at least column 1, lines 18-42), tabulating coupons as a function of redeeming points i.e. tabulating the points collected and using them against the purchase of an item (see at least column 6, lines 13-58), and collecting demographic information (see at least column 6, lines 1-11). Although Fredregill does not specifically disclose which party does the tabulating, the reimbursement of the coupons, or reporting demographic data to a client, these steps are essential and inherent and therefore obvious to the process of issuing and collecting coupons for the purposes of gathering marketing data and statistics. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the anonymous payment system of Hensley/Applicant/Gilmore with the coupon redemption and point system of Fredregill because it increases profitability by identifying items of interest to the customers as well as incentivizing the items or services for sale.

Claim 26:

The combination of Hensley/Applicant/Gilmore discloses the anonymous payment system as shown in the rejections above. Hensley/Applicant/Gilmore do not specifically disclose:

- *setting an interval for a discounted payment service;*
- *counting customer payments; and*
- *discounting a customer payment upon reaching said interval.*

However, Fredregill discloses the common and widely-used method of issuing coupons (see at least column 1, lines 18-42), and tabulating coupons as a function of redeeming points i.e. accumulating the points collected and using them against the purchase of an item (see at least column 6, lines 13-58). Although Fredregill does not specifically disclose a set interval before the counted payments can be used for the purposes of a discount, the techniques are equivalent inasmuch as the customer is awarded a discount after a predetermined amount of loyalty points have been earned. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the anonymous payment system of Hensley/Applicant/Gilmore with the coupon redemption and point system of Fredregill because it increases profitability by identifying items of interest to the customers as well as incentivizing the items or services for sale.

15. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hensley/Applicant in view of Schutzer (US 6,292,789 B1)..

Claim 27:

The combination of Hensley/Applicant/Gilmore discloses the anonymous payment system as shown in the rejections above. Hensley/Applicant/Gilmore do not specifically disclose:

- *displaying a new customer screen upon enrollment of a new customer by said payment service provider;*
- *capturing enrollment information concerning said new customer; and*

- *promoting other services of one of said payment service provider and said client to said customer.*

However, Schutzer discloses registration i.e. enrollment of a new customer, and providing the customer with further options regarding his bill paying choices (see at least column 11, lines 33-50). Although Schutzer does not specifically disclose capturing screen information regarding the customer, it is inherent to the registration process to save and store customer information while conducting an online computerized enrollment process. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the anonymous payment system of Hensley/Applicant/Gilmore with the enrollment and bill paying options of Schutzer because the technique provides an efficient and user-friendly manner in which to enroll new customers into the bill paying system.

16. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hensley/Applicant/Gilmore in view of Tarter et al. (US 5,550,734 A).

Claim 28:

The combination of Hensley/Applicant/Gilmore discloses the anonymous payment system as shown in the rejections above. Hensley/Applicant/Gilmore do not specifically disclose:

- *establishing a maximum permissible inactivity period;*
- *logging customer transactions and comparing same to said maximum inactivity period;*
- *detecting accounts which exceed said maximum allowable inactivity period;*
and
- *retiring said accounts which exceed the maximum allowable inactivity period.*

However, Tarter discloses cleaning captured claims and responses after such events as a time out (see at least column 11, lines 48-51), as well as monitoring daily activity and deleting accounts if activity exceeds a predetermined parameter (see at least column 42, lines 30-38). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the anonymous payment system of Hensley/Applicant/Gilmore with Tarter's use of inactivity reports and deletion techniques because this maintains accurate and up-to-date records of current customers without unnecessarily taking up large amounts of storage space on accounts that have been abandoned.

17. Claims 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hensley/Applicant/Gilmore in view of Sullivan (US 6,386,444 B1).

Claims 29 and 30:

The combination of Hensley/Applicant/Gilmore discloses the anonymous payment system as shown in the rejections above. Hensley/Applicant/Gilmore do not specifically disclose:

- *tracking customer transaction recurrences;*
- *monitoring customer retention;*
- *metering future marketing and rebate programs for the client based on transaction recurrences and customer retention; and*
- *the payment service provider providing customer transaction records to the client*
- *setting a required number of transactions for rebate with the client;*
- *counting said transactions with the client; and*
- *rebating the cost of customer cards to the client upon reaching the number of transactions required for rebate eligibility.*

However, Sullivan discloses recurring credit card charges, retention of existing customers, and rebates based on card usage (see at least column 1, line 61 to column 2, line 14; column 2, lines 36-44). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the anonymous payment system of Hensley/Applicant/Gilmore with Sullivan's use of recurring credit card usage, tracking, and rebate programs because this increases customer loyalty and profitability.

18. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hensley/Applicant/Gilmore in view of Schutzer, and further in view of Kolls.

Claim 33:

The combination of Hensley/Applicant/Gilmore discloses the anonymous payment system as shown in the rejections above. Hensley/Applicant/Gilmore do not specifically disclose:

- *the payment service provider enrolling customers for the client; and*
- *the customer and the payment service provider selecting features and pricing offered by the client.*

However, Schutzer discloses registration i.e. enrollment of a new customer, and providing the customer with further options regarding his bill paying choices (see at least column 11, lines 33-50), essentially disclosing the customer choosing a rate plan offered by the client. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the anonymous payment system of Hensley/Applicant/Gilmore with the enrollment and bill paying options of Schutzer because the technique provides an efficient and user-friendly manner in which to enroll new customers into the bill paying system.

Hensley/Applicant/Gilmore do not specifically disclose *providing client-specific advertising*. Kolls, However, in at least column 16, lines 46-57 discloses advertisements. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine

the anonymous payment system of Hensley/Applicant/Gilmore with Kolls advertising system because this would provide the customer with a valid record of the transaction as well as an incentive to purchase more services.

Claims 36-67:

Claims 36-67 recite the same limitations as those addressed in the rejections of claims 1-35 as shown above, and are therefore rejected on the same grounds.

Conclusion

19. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
20. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **James A. Reagan** whose telephone number is **(703) 306-9131**. The examiner can normally be reached on Monday-Friday, 9:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **James Trammell** can be reached at (703) 305-9768.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **(703) 305-3900**. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 305-7687 [Official communications; including

After Final communications labeled "Box AF"]

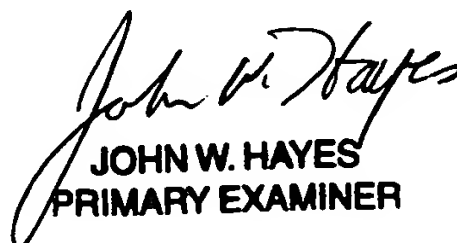
(703) 308-1396 [Informal/Draft communications, labeled "PROPOSED"

or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7th floor receptionist.

JAR

15 December 2004


JOHN W. HAYES
PRIMARY EXAMINER